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(Rosimuschestvo)*

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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In re APPLICATION Pursuant to 28 U.S.C.	:
§ 1782 for an Order Permitting the Federal	: No. <u>19-MC-168</u>
Agency for State Property Management of the	:
Russian Federation (Rosimuschestvo) to Take	:
Discovery From The Blackstone Group L.P. for	:
Use in Foreign Proceedings.	:
	:
	:
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**APPLICATION PURSUANT TO 28 U.S.C. § 1782 FOR
AN ORDER PERMITTING DISCOVERY FOR USE IN FOREIGN PROCEEDINGS**

Applicant the Federal Agency for State Property Management of the Russian Federation (Rosimuschestvo) ("Rosimuschestvo" or the "Applicant"), upon its accompanying memorandum of law, dated April 5, 2019, and the Declaration of Evgeny Rashevsky, dated March 21, 2019, respectfully applies to this Court for an order authorizing it to serve a subpoena in the form annexed hereto as Exhibit 1 (the "Subpoena") for the production of documents by The Blackstone Group L.P. The Subpoena directs the production of documents for use in existing and contemplated proceedings in India.

This application satisfies the requirements of Section 1782. Rosimuschestvo seeks discovery for use in an existing arbitration proceeding in India and in existing and contemplated court proceedings in India. Rosimuschestvo is an “interested party” in those existing and contemplated proceedings, as Rosimuschestvo is a party to the existing arbitration proceeding and court proceedings in India and would be a party to the contemplated court proceeding in India. The Blackstone Group L.P. is not a party to the existing proceedings in India and would not be a party to the contemplated proceeding in India, and The Blackstone Group L.P. can be found in this district. The Applicant is not using this proceeding in an attempt to circumvent the requirements of any foreign tribunal, and there is no indication that the Indian tribunals will not be receptive to the discovery. In addition, the discovery sought is highly relevant to the existing and contemplated proceedings in India, and it is neither unduly burdensome nor intrusive. See Intel Corp. v. Advanced Micro Devices, Inc., 542 U.S. 241, 262-65 (2004).

Section 1782 applications are generally received and appropriate action taken ex parte, with any privilege issues raised and addressed through a motion to quash made after a subpoena has been permitted and served. See, e.g., In re Letters Rogatory from Tokyo Dist., Tokyo, Japan, 539 F.2d 1216, 1219 (9th Cir. 1976); In re Gemeinschaftspraxis, 2006 WL 3844464, at *8 (S.D.N.Y. Dec. 29, 2006) (denying motion to quash subpoena issued pursuant to ex parte application under 28 U.S.C. § 1782); In re Hill, 2005 U.S. Dist LEXIS 10838 (S.D.N.Y. June 2, 2005) (denying motion to quash subpoena issued pursuant to ex parte application under 28 U.S.C. § 1782).

WHEREFORE, the Applicant respectfully requests that the Court enter an Order:

1. granting the Applicant’s application for discovery pursuant to 28 U.S.C. § 1782;

2. authorizing the Applicant to take discovery from The Blackstone Group L.P., including issuing the Subpoena for the production of documents from The Blackstone Group L.P. in the form attached hereto as Exhibit 1; and
3. directing The Blackstone Group L.P. to comply with such Subpoena issued to it.

Dated: New York, New York
April 5, 2019

Respectfully submitted,

CARTER LEDYARD & MILBURN LLP

By 

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